

CITY OF BERTHA
REGULAR MEETING OF THE CITY OF BERTHA
HELD AT THE BERTHA COMMUNITY CENTER
MONDAY, SEPTEMBER 10, 2012

Members Present: Mayor Klebs, Council Members Shamp, Zimmerman and Hoemberg

Member Absent: Council Member Valley

Staff Present: Clerk Umland, Public Works Templin and Police Schiller

Guest Present:Carolynn Bisel, Pete Wallner, Bob Larson, Joann Collins, Ed Moore, Joeb Oyster, Virginia Heldt, Bill Warren, Steve Peterson, Mary Liemandt, Bridgette Warner and Shaun Nelson.

Declaring a quorum present Mayor Klebs called the meeting to order at 5:33 p.m. and the citizens recited the Pledge of Allegiance to the flag.

3. Review and Adopt the Consent Agenda

Note: The Consent Agenda listed those items of business which are considered to be routine and/or which need no discussion. Consent items are acted upon by one motion. If discussion is desired by council, that item may be moved to an appropriate section of the regular agenda for discussion.

Mayor Klebs asked for approval of the agenda as presented. On motion by Zimmerman, seconded by Council Member Hoemberg to approve the agenda which included the following items, with Item D and Check #12900 removed until there was a quorum: With all members present voting in favor.

- A. Approval of the Minutes – August 13, 2012 Regular Minutes & August 20, 2012 Work Session minutes.
- B. Approval of August Disbursements and Issuance accordance with list provided. Removed check # 12900 for the Hydraulic Doctor.
- C. Reviewed bank correspondence - Investments & Bank Statement
- D. The council approved Resolution 2012-33 that acknowledges a conflict of interest for Mayor Klebs when or in the event that business is done with Hydraulic Doctor. The resolution does not give preference to the business but strictly shows that the council is aware of the Mayor Klebs financial interest in a company that the city has or may in the future do business with. Mayor Klebs routinely has abstained from votes involving the Hydraulic Doctor.
- E. Approved Resolution 2012-34 certification of unpaid grass mowing charges to property owners' 2013 property taxes. Clerk Umland pointed out that only two property owners were involved in these assessments and the total amount \$155.00
- F. Approval to the following Zoning Permits:
2012-08 Moving Permit - Bob & Mary Larson for 16X80 1998 Liberty Mobile Home
2012-09 Zoning Permit – Linda Powers to construct an 8X12 Storage Shed
2012-10 Zoning Permit – Leona Bowman – to construct a 10X36 carport
Council Member Shamp arrived at 7:15 p.m. Motion by Hoemberg, seconded by Shamp to approve the removed items from the consent agenda. Mayor Klebs abstained due to a conflict of interest.

4. Public Comment:

There was no one under unscheduled business to address the Council. Steve Peterson was called from the meeting due to a fire in Hewitt. Steve Peterson addressed the council on insurance questions concerning the city fire trucks replacement cost. He explained how the replacement cost was determined and why it was so much harder to find a comparable with a 500 mile radius. There were concerns about the insurance coverage currently on city vehicles. Peterson stated that the agent does not establish the value. The council disagrees with the settlement amount that the insurance adjuster suggested. Peterson will contact the LMC to get a contact number for the council just in case of mediation.

5. Consider Business Items

- A.** Mayor Klebs reviewed the correspondence submitted by Kathy Sletto informing the council that by the middle of September all the projects will be completed. SCDP Monitoring Report did not include any negative findings or concerns. "The City of Bertha is to be congratulated on its efforts to implement this project in a conscientious manner," stated Business and Community Development Representative Patrick Armon in a letter to Mayor Klebs. Armon met with Clerk Umland and Kathy Sletto in August to examine various aspect of the program.
- B.** Bertha Authority Project - Joeb Oyster, Moore Engineering, briefed the council on the progress of the Bertha Authority Project and presented the council with the partial payments estimates and change orders for the month.

Approval of Pay Request #6 includes the following payments:

Partial Payment Estimate #4 in the amount of \$268,495.76 to Blombeck Construction, Inc. for labor and materials was approved.

Partial Payment Estimate #5 in the amount of \$577,528.59 to Wagner Construction, Inc. for labor and materials was approved.

Partial Payment Estimate #6 in the amount of \$67,274.12 to Moore Engineering, Inc. for engineering and basic services was approved.

Partial Payment Estimate #5 in the amount of \$2,534.50 to Braun Interact for soil observation and testing was approved.

Change Order #5 increased by \$36,755.04 to the contract with Wagner Construction, Inc. for work on County Rd 23. C.O. #5 Narrative - \$19,505.04 and Work Order #2 submitted by Dept. of Transportation in the amount of \$17,250.00 both is from the discovery of organic material that need to be removed and backfilled with granular material supplied by the County and the contractor supplying the equipment and labor.

Council Member Hoemberg moved and Member Zimmerman seconded the motion to approve the above partial payment requests and change order contingent upon USDA signing. With all members present in favor.

Mayor Klebs noted the City Council will need to conduct a final assessment public hearing for the Bertha Authority Improvement Project and has scheduled it for October 4, 2012 at 6:00 p.m. at the Bertha Community Center if available.

Zimmerman offered Resolution 2012-37, a resolution setting hearing on Proposed 2012 Bertha Authority Improvement Project assessment for October 4, 2012 and moved for its adoption. Motion for adoption of the resolution was seconded by Member Shamp. Those voting in favor of motion: Klebs, Zimmerman, Hoemberg and Shamp. Resolution passed 4-0.

Joeb Oyster, Moore Engineering, Inc., stated that as discussed at previous meeting, it is time to specially assess the improvement costs. He stated that all of the details discussed are reflected in the resolution. He stated the hearing is set for the 4th of October in time to send out required notices. The assessment portion of the project assessed against benefited property owners is declared to be \$1,851,200.00 Assessments shall be payable in equal installments extending over a period of 30 years, the first of the installments to be payable on or before the first Monday in January, 2013 and shall bear the interest at the rate of 2.64 percent per annum from the date of adoption of the assessment resolution.

Consider Resolution 2012-36 Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for Bertha Authority Improvement Project. Motion by Zimmerman, seconded by Shamp, to adopt the following resolution, which will become part of the official records. Carried.

Bob Larson, from Marble's Bar & Grill, and Bill Warren, on behalf of the Eagle Bend Lion's Club appeared before the council to request permission to sell pull-tabs at his establishment. It was moved by Zimmerman and seconded by Shamp to introduce Resolution 2012-35 approving Lawful Gambling Premises Permit Application for the Eagle Bend Lion's Club to conduct gambling at Marbles Bar & Grill located at Marlowson Event Center at 43368 Cty Rd 23. Carried. The council was presented with an ordinance regulating lawful gambling. The main item with the ordinance was for each organization which conducts lawful gambling within the City to contribute 10% of its net profits derived from lawful

gambling in the City to a funds administered and regulated by the City without cost to the fund. The City then will be able to designate the funds to be used for their city festivals as defined by Mn State Statutes. Clerk Umland will present an ordinance authorizing lawful gambling within the City of Bertha for the October meeting.

Mr. Templin will inspect the storage shed at the Matt Peterson to see if he has met the compliance set forth on his temporary building permit 2011-04. If not, he will be issued an administrative fine.

Motion by Hoemberg, seconded by Member Zimmerman to approve the Building Permit Application 2012-05 for a storage shed constructed prior to receiving a permit. Carried. Mr. Larson was issued a \$500.00 administrative fine for not complying with the local zoning ordinance.

Mayor Klebs reviewed the change made at the budget work session on the draft copy. The council all agreed that the city needs to reduce spending. Mayor Klebs stated that once the preliminary levy is set, that the City of Bertha cannot go higher than that amount, but is able to lower the amount in the final resolution by the end of December.

Councilmember Zimmerman introduced the following Resolution and moved for its adoption:

Resolution 2012-30

A Resolution Adopting the Preliminary 2013 Budget and 2012 Tax Levy for Taxes Collectible in 2013.

BE IT RESOLVED by the City Council of the City of Bertha, County of Todd, Minnesota that the following sums of money be levied for the current year, collectible in 2013, upon the taxable property in the City of Bertha, for the following purpose:

General Purpose	\$73,000.
Fire Levy	\$ 8,500.
Ambulance Levy	\$ 1,000.

The City Clerk is hereby instructed to transmit a certified copy of this resolution to the County Auditor of Todd County, Minnesota.

Adopted and passed this 10th day of September, 2012.

Mayor Klebs briefed the council that the abstract is being updated by the request of the Becker's. Their attorney would like to close around the middle of September. As soon as our attorney hears a final date he will let us know. There will be a few documents needing signatures.

6. Communications Reports

- A. Reviewed the enterprise reports.
- B. Mr. Larson gave us an update on the old clinic that will be converted to a wellness center by Tri County Health Foundation with donations from the Maslowski Trust. The foundation is considering doing a lease with the city so they can proceed with the project. They will be at the October meeting to discuss different options available. There was a lengthy discussion on replacing the damaged fire truck. The first option was to replace the damaged truck with a new (used) demo. Clerk Umland inquired about if the department must meet bidding requirements. The state statute states a local government may acquire by purchase or lease used public safety equipment without competitive bidding or proposals if the equipment is clearly and legitimately limited to a single source of supply, and the contract price may be best established by direct negotiation. There are five firemen on the committee to look into purchasing a replacement truck. The approximate cost to replace the damaged truck will run around \$200,000. They currently don't have enough funds available to replace it with the demo. Council Member Shamp will check with the Kleen and Vandenheuvel if they would be okay to take an interfund loan out. They are looking at borrowing around \$50,000.00 or more from the ambulance. It was suggested by Wallner to have all residents install their fire number on their house by the front door. Police Schiller will get a copy of the Eagle Bend ordinance and present it at the October meeting.

- C. **Law Enforcement** – Police Schiller handed out the August activity report which included: 1-accident, 20-citizen calls, 4-citations, 7-warnings, 4-public assists, 1-assist other agencies and attended one school event. There was a brief discussion concerning the three year contract with Eagle Bend. Council Member Hoemberg will contact Eagle Bend and see if they will go along with a two year agreement. The council felt we should sell the squad car and give Eagle Bend the first option to purchase it. Tabled the above two concerns until the October meeting and Member Hoemberg will report back. The council reviewed correspondence from the Todd Sheriff Department stating they are still interested in contracting with the city.
- D. **Public Works Report-** Mr. Ed Moore voiced his opinion about his water/sewer bill. The City of Bertha also received a letter from Pamela & Joshua Shesta concerning the amount of their sewer. Clerk Umland will contact them and suggest getting an irrigation meter to monitor the usage of the water for outside use. The July/August sewer usage will not be adjusted. The council discussed seasonal variance versus having the residents install irrigation meters. Motion by Zimmerman, seconded by Member Hoemberg starting with the September/October usage that the sewer rate will be based on a seasonal variance. The seasonal variance is based on gallons used during the 1st billing of the year. Carried. The council discuss cutting back Shaun Nelson hours and will decide at the October meeting.
- E. **Clerk's Report** – Reviewed the report submitted Clerk Umland. The council did not have any questions.

7. Committee Report:

- A. Council reviewed the correspondence from LMC on the injured volunteer firefighter that was injured responding to a fire call.
- B. See minutes under police report.

8. Meeting/Conferences/Correspondence

- A. Reviewed the letter from Rick Utech, Todd County Development Corporation, inviting all communities on Monday, September 24th to meet and review the Todd County Comprehensive Plan and discuss possible revisions that will help us in our economic development efforts. The council expressed that someone should represent the City of Bertha. Clerk Umland will attend the meeting and he will have 3 meetings over the next few months to plan for future economic goals.
- B. Clerk Umland will be attending the Regional Meeting in Perham on September 20, 2012.
- C. Mayor Klebs read the correspondence from the Dept of Ag concerning selling beverages during our summer festival.
- D. Reviewed the correspondence from LMC informing the council the renewal changes on calculating liability premiums in a new way.

9. Adjournment

There was no further business to come before the City Council. Council Member Zimmerman moved, Member Hoemberg seconded the motion to adjourn. With all members in favor the motion was carried. The meeting was adjourned at 8:30 p.m.